



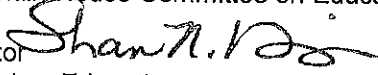
STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064 · PHONE: 225-342-5840 · FAX: 225-342-5843

February 10, 2022

MEMORANDUM

TO: Senator Patrick Page Cortez, Senate President
Representative Clay Schexnayder, Speaker of the House
Senator Cleo Fields, Chair, Senate Committee on Education
Representative Lance Harris, Chair, House Committee on Education

FROM: Shan N. Davis, Executive Director 
Board of Elementary and Secondary Education

RE: Summary Report on Board of Elementary and Secondary Education Proposed Rulemaking

Pursuant to R.S. 49:968(D)(1)(b), the Board of Elementary and Secondary Education hereby submits to you this summary report and announces its plan to proceed with rulemaking by finalizing the January 20, 2022, Notice of Intent that was promulgated on pages 102-107 of the *Louisiana Register*.

The Board has received no public comments and has not conducted a hearing pursuant to R.S. 49:953(A)(2)(a).

The Board has made no change to the proposed Rule.

Subject to legislative oversight by either the House Committee on Education or Senate Committee on Education, the Board anticipates adopting the Notice of Intent as a final Rule in the April 20, 2022, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

Please contact Shannon Rawson at (225) 342-5841 if the Board may be of any assistance to you concerning this Rule.

SND:slr

Attachment (1)

- c: Shalyric Self, Secretary, Senate Committee on Education
Cheryl Serrett, Analyst, Senate Committee on Education
Elizabeth Borne, Legislative Analyst, House Committee on Education
Lisa Lovello, Legislative Analyst, House Committee on Education
Ashley Townsend, Policy Director, Louisiana Department of Education
Shan N. Davis, Executive Director, BESE
Kevin Calbert, Communications Manager, BESE

James Garvey
1st BESE District

Kira Orange Jones
2nd BESE District

Sandy Holloway
3rd BESE District

Michael Melerine
4th BESE District

Ashley Ellis
5th BESE District

Ronnie Morris
6th BESE District

Holly Boffy
7th BESE District

Preston Castille
8th BESE District

Belinda Davis
Member-at-Large

Thomas Roque
Member-at-Large

Doris Voltier
Member-at-Large

Shan N. Davis
Executive Director

Cade Brumley
State Superintendent

Effective: Emerging, they would become eligible for salary increases or supplements in the 2021-2022 academic year.

These revisions would amend the process for evaluating school leaders in the absence of 2020-2021 School Performance Scores. If a school leader has one student learning target (SLT) based on school performance and one SLT based on alternate measures, then the alternate SLT will be duplicated to calculate a final student growth score. If all SLTs are based on school performance, then the leader's observation score will comprise the sum of the evaluation score.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

If any school leaders initially rated Ineffective are able to improve their rating to Effective: Emerging, they would become eligible for salary increases or supplements in the 2021-22 academic year; however, the number of such school leaders is not expected to be material.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2201#053

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 139—Louisiana Child Care and Development Fund
(LAC 28:CLXV.103, 701, 703, 705, 707, 709,
901, 902, 903, 1101, 1103, 1105, 1107, 1109)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXV Bulletin 139 – *Louisiana Child Care and Development Fund*. The proposed revisions allow CCAP-certified family child care providers to apply for academic approval and participate in the unified quality rating system and initiatives.

Title 28

EDUCATION

Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

Chapter 1. Child Care Assistance Program

§103. Definitions

Automated Child Care Time and Attendance—an electronic system that provides accurate and timely capturing, tracking, and reporting of time and attendance data. This system may utilize an adult's finger image or IVR interactive voice response (IVR) as a mechanism for capturing this data.

Louisiana Pathways Early Learning Center Career Development System (LA Pathways)—the state practitioner registry maintained by the department or its contractor. LA pathways registers child care facility directors and staff according to requirements based on training and education,

experience, and professional activities, as approved by the department. Categories are established for early learning center staff, early learning center assistant teacher, early learning center teacher, early learning center assistant director and early learning center director.

Quality Start Child Care Rating System—system designed to assess the level of quality of early care and education programs serving birth through age five, communicate the level of quality, and support improvements of child care facilities.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR part 98 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:257 (February 2018), effective March 1, 2018, LR 44:800 (April 2018), LR 47:1279 (September 2021), LR 48:

Chapter 7. Administration of School Readiness Tax Credits

§701. General School Readiness Tax Credit Provisions

A. - C. ...

D. For purposes of this chapter and Chapters 9 and 11 of this Bulletin, the term "child care facilities" means any licensed Type III early learning center or registered and CCAP-certified family child care home that has current academic approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2117 (October 2015), LR 48:

§703. Child Care Facility Expense Tax Credit

A. The Department of Revenue shall make available to qualifying child care facilities a credit certificate to be given to each taxpayer claiming the child care facility expense tax credit. The credit certificate will consist of child care facility portion of the certificate and a taxpayer portion of the certificate.

B. The child care facility shall complete the child care facility portion of the credit certificate and shall submit the certificate to each taxpayer who had a child at the child care facility during the calendar year no later than January 31 of the succeeding year. The child care facility portion of the credit certificate will include, but not be limited to, the following information: the child care facility name, the child care facility star rating, the child care facility Louisiana tax identification number, the Louisiana early learning center license number or the certified family child care provider number from the department, the name of the child attending the child care facility, and the issue date and effective year. The child care facility shall submit to the Department of Revenue a list of all taxpayers to whom a certificate was issued.

C. ...

D. The department shall provide information necessary for the secretary of the Department of Revenue to determine the child care facility's quality rating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2117 (October 2015), LR 48:

§705. Child Care Facility Tax Credit

A. The average monthly number of children as used in R.S. 47:6105 is to be determined on a calendar year basis, and the child care facility shall claim the credit for the tax year that includes December 31. The child care facility tax credit will be calculated based on the average monthly number of children participating full-time in CCAP or the foster care program, from January to December of a calendar year, as follows:

1. - 4. ...

B. The department shall provide documentation to each qualifying child care facility of the average monthly number of children participating in CCAP or in the foster care program. If the child care facility has multiple sites, the department shall provide this information for each site. The certificate shall be delivered or mailed to all qualifying child care facilities by March 1 of the year following the year the credit is earned. The certificate shall include, but not be limited to, the following information: the child care facility name, the child care facility star rating, the early learning center license number or the family child care provider number, and the issue date and effective year from the department.

C. Child care facilities that operate as a corporation or sole proprietorship shall submit or maintain the credit certificate as required by the secretary of the Department of Revenue in forms and instructions.

D. For child care facilities that operate as flow-through entities such as partnerships, LLCs electing partnership treatment, or S corporations passing credits through to shareholders, every partner, member, or shareholder claiming the credit must submit or maintain copies of the information issued by the department for each site. Every partner, member, or shareholder claiming the credit must submit or maintain a schedule showing how the total credit is allocated to each partner, member or shareholder.

E. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the child care facility's quality rating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), LR 48:

§707. Credit for Child Care Facility Directors and Staff

A. ...

B. In order to claim this credit, the department or their representative must provide child care facility directors and staff members with a certificate no later than January 31 that states which level of qualification the employee meets according to the criteria established by the department. The taxpayer must submit or maintain the certificate as required by the secretary of the Department of Revenue in forms and instructions.

C. Each child care facility director and staff member will also have to verify that he/she has worked at the same child care facility for at least six months in the calendar year and

for an average of at least 30 hours per week, unless otherwise approved by the LDE.

1. Due to the COVID-19 pandemic, for the 2020 calendar year, a facility director or staff member will only have to verify that he/she has worked at the same child care facility or at least 300 hours in the calendar year in order to meet the work requirement in this Subsection.

D. Child care facility director and staff levels will have such meaning as provided by regulation issued by the department.

E. The maximum number of directors at a child care facility site who may receive the director credit in any given year is based on licensed capacity of the child care facility as indicated below.

Licensed Capacity	Maximum Number of Directors
15 or fewer children	1
16-50 children	2
51-100 children	3
101-200 children	4
201 or more children	5

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), amended by the Board of Elementary and Secondary Education LR 43:1280 (July 2017), LR 47:452 (April 2021), repromulgated LR 47:574 (May 2021), LR 48:

§709. Business-Supported Child Care Facility Credits

A. Business Child Care Facility Expense Credit

1. In order for a business to claim this credit, the business must provide the Department of Revenue the following information: the name and Louisiana revenue tax identification number of the child care facility to or for whom the eligible expenses were paid or made, the amount and nature of qualifying expenses at each child care facility as defined in R.S. 17:407.33, and the child care facility's quality rating.

2. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the child care facility's quality rating.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), LR 48:

Chapter 9. Louisiana Pathways Early Learning Center Career Development System (LA Pathways)

§901. Authority

A. The Louisiana pathways child care facility career development system (LA pathways) is the state practitioner registry maintained by the LDE or its contractor. LA pathways offers child care facility staff, including directors, teachers, assistant teachers and other classroom staff, a formal mechanism to track their training, educational attainment and experience in the field of early childhood care and education.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, R.S. 17:407.26, and R.S. 47:6101 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 43:1281 (July 2017), LR 48:

§902. Definitions

Administrator Certificate—certificate awarded to a director who has 75 clock hours in approved administrative training categories or two college courses in administration.

Administrator Track for LA Pathways—professional career ladder registry designed for administrators in child care facilities that recognizes individuals based on the educational attainment and professional participation.

Classroom Track for LA Pathways—professional career ladder registry designed for classroom staff within child care facilities that recognizes individuals based on the educational attainment and commitment to the field.

Early Childhood Ancillary Certificate—certificate issued by the LDE that allows a qualified person to act as a lead teacher within a type III early learning center or family child care home.

Early Childhood Professional Organization—organization that provides professional training or advocacy opportunities for individuals in the early childhood field.

Family Child Care Track for LA Pathways—professional career ladder registry designed for family child care providers that recognizes individuals based on the educational attainment and commitment to the field.

LA Pathways—see Louisiana pathways early learning center career development system.

Louisiana Pathways Early Learning Center Career Development System (LA Pathways)—state practitioner registry maintained by the LDE or its contractor that registers care facility directors and staff based on training, education, experience and professional activities.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, R.S. 17:407.26, and R.S. 47:6101 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, amended LR 43:1281 (July 2017), LR 48:

§903. Participation in LA Pathways

A.1. Any individual working or planning to work in the child care facility industry as a director of a child care facility is eligible to enroll in LA pathways by completing and submitting an application and the required documents to LA pathways.

2. Any individual working or planning to work in the child care facility industry as a staff member of a child care facility is eligible to enroll in LA pathways by either completing and submitting an application and the required documents to LA pathways or by submitting an application for an early childhood ancillary certificate to the LDE.

3. LA pathways will register child care facility directors and staff according to requirements based on training and education, experience and professional activities, as approved by the LDE. Participation is voluntary.

A.4. - G.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 42:46 (January 2016), LR 43:1281 (July 2017), LR 44:262 (February 2018), LR 48:

Chapter 11. Unified Quality Rating System for Child Care Facilities

§1101. Authority

A. The unified quality rating system for child care facilities is established and administered by the LDE under the authority of state and federal laws.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2121 (October 2015), amended LR 43:1285 (July 2017), LR 48:

§1103. Definitions

Child or Children—individuals who are five years of age or less.

Child Care Provider—a taxpayer who owns an eligible child care facility or facilities.

Early Childhood Care and Education Network—the network established through R.S. 17:407.23 and Bulletin 140 as the comprehensive and integrated network through which BESE manages and oversees publicly-funded early childhood care and education programs, which include type III early learning centers and family child care homes that are registered, CCAP-certified, and have current academic approval by the department, in order to improve kindergarten readiness.

Eligible Child Care Facility—a type III early learning center that has current academic approval and a valid type III early learning center license issued by the LDE and is participating in the unified quality rating system, or a family child care home that is registered, CCAP-certified, and has current academic approval by the department and is participating in the unified quality rating system.

Quality Rating—the number of “stars” awarded to an eligible child care facility by the unified quality rating system on July 1 of each year.

Unified Quality Rating System—system that sets forth the criteria for evaluating and rating the quality of an eligible child care facility in terms of “stars” with five “stars” being the highest.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2121 (October 2015), amended LR 43:1285 (July 2017), LR 48:

§1105. Unified Quality Rating System for Child Care Facilities

A. The unified quality rating system consists of five star ratings that may be awarded to child care facilities based on the level of quality of early child care and education provided by child care facilities serving children from birth through age five. The unified quality rating system is designed to recognize the quality of early care and education provided, communicate the level of quality, and support improvements of child care facilities.

1. - 1.b....

2. To be eligible for participation in the unified quality rating system, a family child care home must:

a. have current academic approval issued by the department in compliance with §313 of *Bulletin 140—Louisiana Early Childhood Care and Education Network*; and

b. be registered and have current certification for CCAP issued by LDE in compliance with this Bulletin.

3. A child care facility is participating in the unified quality rating system if it is eligible for participation and has notified the LDE of the desire to participate and willingness to sign the required documents verifying eligibility for tax credits.

B. A star rating shall be awarded to an eligible, participating child care facility based on the performance rating the facility receives on its annual performance profile issued by the LDE as part of the early childhood care and education accountability system (ECCE accountability system). The ECCE accountability system was created pursuant to R.S. 17:407.23(B)(3) and Bulletin 140, and is used to evaluate the performance of publicly-funded early childhood care and education sites, which include child care facilities and community networks in preparing children for kindergarten and to assign a performance profile to each site, which include child care facilities and community networks.

1. All publicly funded early childhood care and education sites, which include eligible child care, are required to participate in the ECCE accountability system pursuant to §501 of Bulletin 140, and each publicly-funded site, which includes eligible child care facilities must receive a performance profile based its performance each school year.

2. Performance profiles for publicly-funded sites, which include eligible child care facilities, must include a performance rating as provided in §509 of Bulletin 140.

3. Performance rating calculations for publicly-funded sites, which include eligible child care, are made in accordance with §503 and §509 of Bulletin 140.

C. Star Ratings for Child Care Facilities

1. An eligible, participating child care facility that earns a performance rating score of 3.00 through 3.74 on its performance profile issued by the LDE shall be awarded a one star quality rating.

2. An eligible, participating child care facility that earns a performance rating score of 3.75 through 4.49 on its performance profile issued by the LDE shall be awarded a two star quality rating.

3. An eligible, participating child care facility that earns a performance rating score of 4.50 through 5.24 on its performance profile issued by the LDE shall be awarded a three star quality rating.

4. An eligible, participating child care facility that earns a performance rating score of 5.25 through 5.99 on its performance profile issued by the LDE shall be awarded a four star quality rating.

5. An eligible, participating care facility that earns a performance rating score of 6.00 through 7.00 on its performance profile issued by the LDE shall be awarded a five star quality rating.

D. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2122 (October 2015), amended LR 43:1285 (July 2017), LR 48:

§1107. Participation

A. Child care facilities that have achieved a star rating may have their rating reviewed and modified, if at any time it becomes known to the LDE or the LDE receives information from the child care facility that child care facility no longer meets standards for the child care facility's current star rating award.

B. Early learning centers that have achieved a star rating will have their rating revoked if the early learning center license is revoked or not renewed. Family child care homes that have achieved a star rating will have their rating revoked if their registration, CCAP-certification, or academic approval is revoked or not renewed.

C. Child care facilities that have achieved a star rating may have their rating revoked, or child care facilities applying may be denied, if it is determined by the LDE that false or misleading statements or documents have been submitted or misrepresented or relevant facts have been concealed or withheld in order to qualify or maintain a star(s) in the unified quality rating system or to obtain the school readiness tax credit (SRTC).

D. - E. ...

F. Child care facilities that have a star award revoked by quality start may be prohibited from participating in quality start for 12 months from the date of revocation of star award.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2126 (October 2015), amended LR 43:1286 (July 2017), LR 48:

§1109. Unified Quality Rating System Tiered Bonus Payments

A. Bonus payments will be issued after the end of each calendar quarter to child care facilities that care for children receiving assistance from the Child Care Assistance Program and for children in the state Foster Care Program in accordance with the child care facility's star rating. The payment is equal to a percentage, as defined below, of all child care subsidy payments received by the child care facility from the LDE for services provided during the service period(s) in that quarter and the child care facility's star rating(s).

1. Bonus payments for the period from January 1, 2018 through December 31, 2018 shall be based on the child care facility's 2016-2017 performance profile rating and the following percentages:

a. - e. ...

2. Bonus payments for the period from January 1, 2019 through December 31, 2019 shall be based on the child care facility's 2017-2018 performance profile rating and the following percentages:

a. - e. ...

3. Bonus payments for the period from January 1, 2020 through December 31, 2020 shall be based on the child care facility's 2018-2019 performance profile rating and the following percentages:

a. - e. ...

4. Bonus payments for the period from January 1, 2021 through December 31, 2021, and subsequent years, shall be based on the child care facility's 2019-2020 performance profile rating, and the performance profiles for subsequent years, and the following percentages:

a. - c. ...

B. The state superintendent of education may, in specific instances, grant a waiver allowing the LDE to continue to use an child care facility's star rating as of June 30 in calculating bonus payments for up to two quarters beginning on July 1 of the same calendar year, in a year in which the child care facility's star rating decreases, if the superintendent determines that the economic or adverse impact of the decreased star rating is sufficiently great to reduce access for families participating in the Child Care Assistance Program.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2126 (October 2015), amended LR 43:1286 (July 2017), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? Yes.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? Yes.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is

not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, February 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 139—Louisiana Child Care and Development Fund

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions will result in increased costs for the Department of Education (LDE) and local school districts serving as Early Childhood Community Network lead agencies to conduct Classroom Assessment Scoring System (CLASS) observations of family child care providers which participate in the quality rating system. There will also be increased costs to the LDE to provide additional funding to Early Childhood Community Network lead agencies due to the increased number of classrooms within the networks.

The proposed revisions will result in additional costs for the LDE, to contract with a third-party provider to conduct annual CLASS observations at Child Care Assistance Program (CCAP) certified family child care providers which participate in the unified quality rating system. The LDE currently pays the Picard Center \$450 per CLASS observation. If all 259 CCAP-certified family child care providers participated in the program, the annual cost would be \$116,550; however, the actual cost will depend on the number of participating providers and is indeterminable.

The proposed revisions will also increase the number of classrooms for which the LDE will need to provide funding to Early Childhood Community Network lead agencies by an indeterminable amount based on the number of family child care providers participating in the program. The Board of

Elementary and Secondary Education approves funding for Community Network lead agencies. The agencies are funded with a combination of State General Funds and federal Child Care Development Funds (CCDF) at a rate of \$525 per classroom and \$787.50 per classroom for classrooms located within a secondary community network under the purview of the lead agency. Additionally, the rate of \$787.50 applies to classrooms located in school systems in community networks where more than 10% of their total classroom count are located in secondary school systems required to complete the LDE Super App.

The proposed revisions will result in additional costs to local school districts which serve as Early Childhood Community Network lead agencies to conduct twice-annual CLASS observations, which are required in addition to the annual LDE observations. Community Networks typically pay between \$100 and \$300 per observation. The cost will depend on the number of participating providers and is indeterminable.

The proposed revisions allow CCAP-certified family child care providers to apply for academic approval and participate in the unified quality rating system and initiatives.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will lead to a decrease in state revenue collections to the extent that family child care providers opting in to the academic approval program may be eligible for the school readiness tax credit (SRTC). The SRTC currently applies to Type III early learning centers and includes credits for provider staff, the provider itself, the parents or guardians of enrolled children, and qualifying business expenses in support of child care. Under the proposed revisions, family child care providers that participate in the quality rating system will qualify for the current SRTC. The LDE reports it is planning a separate SRTC track specific to family child care providers. The amount of revenue loss is indeterminable and will depend upon the SRTC structure as well as the number of participating providers.

For informational purposes, the average amount of SRTC claimed per early learning center staff member in 2020 was \$3,127. As of November 2021, 259 family child care providers self-identified to the Louisiana Department of Education, resulting in approximately \$809,893 in total SRTC potentially applied as a result of these revisions.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will result in additional costs to nonprofit organizations serving as Early Childhood Community Network lead agencies to conduct twice-annual CLASS observations for participating child care providers. Community Network lead agencies typically pay \$100-\$300 per observation. The cost will depend on the number of participating providers and is indeterminable.

The proposed revisions will benefit participating family child care providers by making them eligible for SRTC tax credits. The amount of these tax credits will depend upon the SRTC structure developed by the LDE for participating family child care providers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions may result in additional employment for contractors who conduct CLASS observations on behalf of the LDE and Early Childhood Community Network.

Beth Scioneaux
Deputy Superintendent
2201#054

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and Education Network—Coordinated Observation Plan and Observation Requirements (LAC 28:CLXVII.503 and 509)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:553(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC28:CLXVII. *Bulletin 140—Louisiana Early Childhood Care and Education Network*. The proposed revisions would align 2021-2022 early childhood observation policy with the approved 2021-2022 K-12 observation policy approved by the board in October 2021 to alleviate the burdens of cost and time, amplified by the COVID-19 pandemic, associated with conducting these observations.

Title 28
EDUCATION

Part CLXVII. *Bulletin 140—Louisiana Early Childhood Care and Education Network*

Chapter 5. Early Childhood Care and Education
Accountability System

§503. Coordinated Observation Plan and Observation Requirements

A. - B.2.c. ...

3. Required Observations

a. For the 2020-2021 and 2021-2022 academic years only, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive one CLASS® observation during the school year conducted by the community network.

b. Any infant, toddler, and/or pre-K classroom that receives a fall CLASS® score of 4.49 or lower after third party replacement (if applicable) shall be observed a second time.

c. Following the 2020-2021 and 2021-2022 academic years, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive two CLASS® observations during the school year conducted by the community network.

d. Following the 2020-2021 and 2021-2022 academic years, one observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

e. CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

f. f.iii.(b). Repealed.

B.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.30 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:556 (April 2020), LR 48:

§509. Performance Rating Calculations for Publicly-Funded Sites

A. - B.3. ...